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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/988,475 | 11/20/2001 | Serge Savard | | 8779 |

7590 01/15/2003

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EXAMINER

KOVACS, ARPAD F

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| ART UNIT | PAPER NUMBER |
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3671

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,475

Applicant(s)

SAVARD ET AL.

Examiner

Árpád Fábián Kovács

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 34. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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3. The abstract of the disclosure is objected to because the first sentence appears to be incomplete. Correction is required. See MPEP § 608.01(b).

Claim Objections

4. Claims 1-10 are objected to because of the following informalities: it is preferred that claim numbers have a period next to it & some space; and each claim to be one paragraph long; the second time a limitation is recited it should be preceded by – the/said –, for example “an edging unit”; in claim 1, line 5, -- an – is missing in front of “edging unit --; in claim 8, line 2, “A” should be – a --; in claim 9, line 5, “the said” should be either – the – or – said --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 3-8, 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

In re claim 4, the last 3 lines are not understood, it appears to be vague, the phrase "thereof" is not clear what it refers to, and it is unclear what the different types of environment would consist of.

There are lack of positive antecedent basis in the claims as follows: in claim 2, line 3, "the flail member filament"; in claim 5, line 4, "said edging unit driving shaft"; in claim 6, line 3, "the driven pulley"; in claim 7, lines 3-5, "the driven pulley" & "the edging unit driving belt" & "the edging unit driving pulley"; in claim 10, line 7, "the handle stem".

In re claim 8, it is unclear whether the "height adjustment means" and "a caster-type wheel" supposed to be the same elements as in claim 1.

In re claim 10, the phrase "thereof" is unclear what element it refers to.

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Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3-4, 6, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker et al (3782085, cited by the Applicant), in view of Owens (4170099), Schantz (3196971) & Smith (5297379) & Pace (5179823).

In re independent claim 1, Parker discloses a lawn mower (20), engine (25), shaft for driving blades (col. 3, lines 32-33) and edging unit (68), a handle (29), front caster wheel (24);

In re claim 3, a guiding wheel (82);

In re claim 4, the guiding wheel positioning means (138, 142);

In re claim 6, an edging unit driving belt & driving pulley (see fig 10).

However, Parker does not for the handle two substantially perpendicular rotational axis & a locking means (also, in regards to claim 9), and discloses the height adjustment between a front caster type wheel and the frame of the mower (also, in regards to claim 8), however the real wheel does have height adjustment means as claimed.

Schantz discloses a handle which is pivotable and rotatable about two substantially perpendicular rotational axis (about shaft 110 & pivot pin 125), and the handle having a secure latch or locking means (140).

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Smith similarly discloses a handle (55) which can be pivoted & rotated about two substantially perpendicular rotational axis (fig 1 & 2).

Pace discloses on the many known height adjustment between a front caster type wheel and the frame of the mower (fig 14).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the mower & edger of Parker with the teachings of Schantz, Smith and Pace, since handle & height adjustments are well known features utilized in the art, furthermore, it will enhance the maneuverability of the mower and allows greater flexibility in mowing tall or short grass by adjusting the height of the caster wheel.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parker et al (3782085, cited by the Applicant), Owens (4170099), Schantz (3196971) & Smith (5297379) & Pace (5179823), in view of Owens (4170099, cited by the Applicant).

The combination of Parker, Owens, Schantz, Smith and Pace does not show an alternative edger blade being a flail filament as claimed.

Although it is well known to use flail filament for an edger, Owens discloses a flail filament & header (53).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the edger of Parker, Owens, Schantz, Smith and Pace with the teachings of Owens, since it would be well known to one skilled in the art to pick and choose the type of cutting means to be used for the edger.

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Allowable Subject Matter

10. Claims 5, 7, 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Berger et al., Letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Árpád Fábián Kovács whose telephone number is 703 308 5897. The examiner can normally be reached on Mo-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 703 308 3870. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305 7687 for regular communications and 703 308 8623 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.



Árpád Fábián Kovács
Examiner
Art Unit 3671

ÁFK
January 10, 2003